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On June 29, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Jim R. Clarke
Jim R. Clarke

PATENT
Atty. Docket No.: 023070094800
Client Reference No. UC 99-232-1

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHERN and RONALD

Application No.: 09/294,539

Filed: April 19, 1999

For: PROTEINS THAT REGULATE
SYSTEMIC ACQUIRED RESISTANCE
IN PLANTS

Examiner: Kubelik, A

Art Unit: 1638

AMENDMENT


Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed May 29, 2001, Applicants elect with traverse to prosecute the claims of Group II drawn to nucleic acids encoding SEQ ID NO: 4. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search (MPEP at § 808.02). Applicants respectfully submit that all the groups identified in the Office Action can readily be searched without undue burden.

In light of the above, Applicants respectfully request that the restriction be withdrawn. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,



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SF 1241827 v1



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/294,539	RECEIVED JUL 10 2001 TECH CENTER 600/2900
	Filing Date	April 19, 1999	
	First Named Inventor	Chern, Maw Shenq	
	Group Art Unit	1638	
	Examiner Name	Kubelik, A	
Total Number of Pages in This Submission	1	Attorney Docket Number	023070094800

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP Kevin Bastian Reg No. 34,774
Signature	
Date	June 29, 2001

CERTIFICATE OF MAILING	
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Typed or printed name	Jill R. Clarke
Signature	
Date	June 29, 2001

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